IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

OP.No. 11096 of 1999(U)

PETITIONER:

P.U.LUKOSE,
C.L.R. WORKER,
OFFICE OF THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
PAKKIL P.O., KOTTAYAM

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD,
REP. BY SECRETARY K.S.E.BOARD,
THIRUVANANTHAPURAM

3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
KERALA STATE ELECTRICITY BOARD,
PAKKIL P.O., KOTTAYAM DISTRICT

4. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM

(*) 5. THE PUBLIC SERVICE COMMISSION, KERALA,
THIRUVANANTHAPURAM.

(*)ADDITIONAL RESPONDENT NO.5 IMPLEADED AS PER ORDER ON C.M.P.NO.45621/2001, DATED 05/10/2001

BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSEB
SRI.T.G.RAJENDRAN SC FOR K.S.E.B.
SRI.P.C.SASIDHARAN,SC FOR K.P.S.C
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 11096 of 1999(U)

PETITIONER'S EXTS:-

EXT.P1	TRUE COPY OF THE CERTIFICATE DATED 01/11/1965 ISSUED BY THE ASST.EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, K.S.E.BOARD, VALANCHERY
EXT.P2	TRUE COPY OF THE SERVICE CERTIFICATE DATED 18/02/1992 ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, PALAI
EXT.P3	TRUE COPY OF THE REPRESENTATION DATED 05/01/1993 SUBMITTED BY THE PETITIONER TO THE SECRETARY K.S.E.B., THIRUVANANTHAPURAM.
EXT.P4	TRUE COPY OF THE ORDER NO.EB5(a)55/98 DATED 29/03/1999 ISSUED BY THE 4TH RESPONDENT.
EXT.P5	A TRUE COPY OF THE ADVERTISEMENT DATED NIL ISSUED BY THE SECRETARY, KSEB.
EXT.P6	A TRUE COPY OF THE INTERVIEW CALL MEMO NO.AB-1-140/75/1023, DATED 23/06/1977.
EXT.P7	TRUE COPY OF THE LETTER NO.PA XIV/26818 DATED 06/09/2001 ISSUED BY THE CHIEF ENGINEER TO THE EXECUTIVE ENGINEER.

RESPONDENTS' EXTS:-

EXT.R1(a)	TRUE COPY OF THE PETITIONER'S LETTER DATED 23/06/2001 GIVEN BY THE KSE BOARD WORKERS ASSOCIATION TO THE CHIEF PERSONAL OFFICER, KSEB, THIRUVANANTHAPURAM.
EXT.R1(b)	TRUE COPY OF THE PETITIONER'S LETTER DATED 19/03/2001 GIVEN BY THE KSE BOARD WORKERS ASSOCIATION TO THE CHIEF PERSONAL OFFICER, KSEB, THIRUVANANTHAPURAM.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J

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O.P.No. 11096 of 1999

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Dated this the 1st day of June, 2007

J U D G M E N T

Petitioner worked as a Casual Labour Roll worker with the Electricity Board from 04/06/1979, following engagement made on 26/05/1979 and put in a continuous service till 31/01/1986 with no artificial break in between, going by the counter affidavit of respondents 2 to 4.

2. The K.S.E Board introduced a scheme for regularising the C.L.R workers in 1975 and for that purpose, it forwarded the application of 2144 candidates to the Public Service Commission. The P.S.C selected 1743 candidates and all of them were regularised as electricity workers. It is also pointed out that a further list of 52 candidates were forwarded, leaving 48 from being selected. This included the petitioner. The plea of K.S.E Board is that the petitioner was not regularised only because

that was refused by the P.S.C, though he was engaged as a C.L.R worker.

3. The long term settlement, dated 02/08/1995, was arrived at between the Board and the recognised Trade Unions, whereby, the monthly rated employees from 1978 and whose cases pending regularisation as mazdoors were to be granted the pay applicable to mazdoors (electrical workers) notionally with effect from 1/04/1992 with monetory benefits from 01/08/1995. In as much as the petitioner joined the service in the year 1979, the petitioner has got the benefit of the settlement taking into consideration his long service, though, strictly speaking, he would not have been entitled to such service.

4. The petitioner retired from service on 31/10/2000 and his pension papers were processed.

5. In the aforesaid view of the matter, the petitioner's service, with effect from 04/06/1999, as C.L.R worker, is entitled to be regularised and such service is also to be treated for all

purposes. However, he will not be entitled to monetory benefits by way of arrears of difference in pay for that period, since the petitioner has already retired.

In the result, this writ petition is allowed, directing the respondents to regularise the petitioner's service with effect from 04/06/1979 and refix his retiral dues accordingly. There will be no order as to costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 11096 of 1999

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J U D G M E N T

1st June, 2007